

# **EXHIBIT 46**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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IN RE: NATIONAL PRESCRIPTION MDL No. 2804  
OPIATE LITIGATION

Case No. 17-md-2804

Judge Dan Aaron

This document relates to: Polster

The County of Cuyahoga v. Purdue  
Pharma L.P., et al.

Case No. 18-OP-45004

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Videotaped deposition of  
JAMES A. GUTIERREZ, ESQ.

January 31, 2019

9:48 a.m.

Taken at:

Kelley & Ferraro

950 Main Avenue, Suite 1300

Cleveland, Ohio

Renee L. Pellegrino, RPR, CLR

1 learned of any instances in which opioids made  
2 their way into the county from foreign  
3 countries?

4 A. From conversations with -- over the  
5 years with NDO prosecutors, yeah.

6 Q. Did those conversations make you  
7 aware that Mexican drug organizations are  
8 responsible for much of the heroin in the  
9 county?

10 MR. SPELLACY: Objection.

11 A. I don't recall that. I recall  
12 hearing about China.

13 Q. And what did you hear about China?

14 A. That they're a source of illegal  
15 drugs that come into the United States.

16 Q. And specifically did you learn that  
17 China drug cartels are responsible for much of  
18 the fentanyl and carfentanil?

19 A. I know that.

20 MR. SPELLACY: Objection.

21 Q. You did or did not?

22 A. I do from going to those seminars  
23 that I told you about.

24 Q. In fact, did you learn at those  
25 seminars that the illicit manufacture and

1 illegal importation of fentanyl comes almost  
2 exclusively from China?

3 MR. SPELLACY: Objection.

4 A. I just remember that China was a big  
5 player in that area.

6 Q. Are you able to approximate what  
7 percent of the opioid problems in your county  
8 can be traced to international drug  
9 organizations?

10 MR. SPELLACY: Objection.

11 A. I can't answer that.

12 Q. Do you know whether opioids,  
13 including prescription opioids, come into your  
14 county from other states and other cities --

15 MR. SPELLACY: Objection.

16 Q. -- outside your jurisdiction?

17 A. Yes.

18 Q. What do you know about that?

19 A. There has been some cases where we  
20 know that the opioids are coming from Detroit.

21 Q. And how do you know that to be the  
22 case?

23 A. Investigations.

24 Q. What specific evidence in the  
25 investigation has led you to conclude that the